

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

GERARD J. HARRY
and
SALLY L. HARRY

*

*

Plaintiffs

*

v.

* Civil Court Action No:

WALGREEN COMPANY
and
WALGREENS SPECIALTY
PHARMACY, LLC

*

*

Defendants.

*

* * * * *

NOTICE OF REMOVAL

Defendants, Walgreen Co., improperly sued as Walgreen Company, and Walgreens Specialty Pharmacy, LLC, by and through their undersigned attorneys hereby give notice of removal of this action from the Circuit Court of Maryland for Baltimore City pursuant to 28 U.S.C. §§ 1332(a) and 1441 *et seq.*, to the United District Court for the District of Maryland (Northern Division). As grounds for removal, Defendants state:

1. Plaintiffs, Gerard and Sally Harry, husband and wife, commenced this action on or about May 2, 2011, by filing a Complaint in the Circuit Court for Baltimore City, Maryland. Plaintiffs' Complaint was assigned Case No. 24-C-11-003097

(hereinafter the "State Court Action"). The Complaint alleges negligence and loss of consortium and seeks damages of \$1,500,000.00 for each claim.

2. Defendants were served with a copy of the summons and Complaint on May 12, 2011.

3. Defendants' first notice of the Complaint was through service of process on May 12, 2011.

4. Original jurisdiction exists in this case pursuant to 28 U.S.C. § 1332(a), in that this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000.00. In these regards, Plaintiffs' Complaint alleges that:

- a. Plaintiffs are residents of Maryland;
- b. Walgreen Company is an Illinois corporation with a principal place of business in Illinois;
- c. Walgreens Specialty Pharmacy, LLC is a Delaware limited liability company with a principal of business in Delaware; and
- d. Plaintiffs' Complaint seeks damages in excess of \$75,000 exclusive of interest or costs.

5. Further, Defendants allege that Defendant Walgreen Co. is an Illinois corporation with its principal place of business in Illinois and Defendant Walgreens Specialty Pharmacy, LLC is a Delaware limited liability company and it does not have its principal place of business in Maryland. Thus, a proper basis for removal exists.

6. Defendants' Notice of Removal is properly filed in the United States District Court for the District of Maryland, Northern Division because the Circuit Court of Maryland for Baltimore City is located in this federal jurisdiction. 28 U.S.C. § 1441(a).

7. Defendants were served with a copy of the summons and Complaint on May 12, 2011. Accordingly, this Notice is timely filed under 28 U.S.C. § 1446(b).

8. On June 10, 2011 Defendants filed via United States mail a copy of the Notice of Filing of Notice of Removal with the Circuit Court of Maryland for Baltimore City and serve a copy on Plaintiffs' counsel as required by 28 U.S.C. § 1446(d). A copy of that Notice is attached hereto as **Exhibit 1**.

9. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 103.5(a), copies of all process, pleadings, orders and other papers or exhibits filed in the Circuit Court are attached hereto. The Complaint is attached hereto as **Exhibit 2**. The summonses are attached collectively hereto as **Exhibit 3**. Plaintiffs' First Request for Admissions of Fact Propounded to Defendant is attached hereto as **Exhibit 4**. Plaintiffs' Affidavits of Service are attached hereto collectively as **Exhibit 5**. Defendants' Answer is attached hereto as **Exhibit 6**. As of the filing of this Notice of Removal, no other papers are on file with the Circuit Court and no other papers have been served upon Defendants.

10. The prerequisites for removal under 28 U.S.C. §§ 1441 and 1446 have been met.

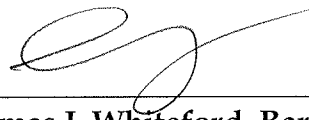
11. Defendants reserve the right to amend or supplement this Notice of Removal.

12. In filing this Notice of Removal, Defendants do not waive any defenses or rights that may be available in this action.

13. This Notice is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants respectfully request that this Court exercise jurisdiction over this removed action and enter orders and grant relief as may be necessary to secure removal and to prevent further proceedings in the Circuit Court of Maryland for Baltimore City, and seek all other relief to which they may be justly entitled.

Respectfully submitted,




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Walgreen Co. and
Walgreens Specialty Pharmacy, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 2011, a copy of the foregoing Notice of Removal was mailed first class, postage prepaid to:

Frederic C. Heyman,
Glenn E. Mintzer and
Ashley M. LeBow
The Law Offices of Peter G. Angelos, P.C.
One Charles Center
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Attorneys for Plaintiffs



Christopher C. Jeffries